



**DELTA FARMS  
WATER CONTROL DISTRICT**

**INDIAN RIVER COUNTY**

**REGULAR BOARD MEETING  
MAY 16, 2023  
8:00 A.M.**

Special District Services, Inc.  
The Oaks Center  
2501A Burns Road  
Palm Beach Gardens, FL 33410

[www.deltafarmswcd.org](http://www.deltafarmswcd.org)

561.630.4922 Telephone

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**AGENDA**  
**DELTA FARMS**  
**WATER CONTROL DISTRICT**  
1708 21<sup>st</sup> Street  
Vero Beach, Florida 32960  
**REGULAR BOARD MEETING**  
May 16, 2023  
8:00 A.M.

A. Call to Order	
B. Proof of Publication.....	Page 1
C. Establish Quorum	
D. Additions or Deletions to Agenda	
E. Comments from the Public	
F. Approval of Minutes	
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2. Engineer	
• Status Report	
3. Attorney	
4. Chairman	
H. Old Business	
1. Update on the SJRWMD Consumptive Use Permit.....	Page 12
2. Update on Colella FPL & Well Permit	
3. Update on Bluebird North-Construction Permit Application	
I. New Business	
1. Consider Resolution No. 2023-02 – Re-Designating Registered Agent.....	Page 26
J. Administrative Matters	
K. Board Members Comments	
L. Adjourn	

# Public Notice

05/05/2023

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DELTA FARMS WATER CONTROL DISTRICT REVISED FISCAL YEAR 2022/2023 REGULAR MEETING SCHEDULE NOTICE IS HEREBY GIVEN that the Board of Supervisors (the Board) of the Delta Farms Water Control District (the District) will hold Regular Board Meetings (the Meeting or Meetings) at the offices of Carter Associates located at 1708 21st Street, Vero Beach, Florida 32960 at 8:00 a.m. on the following dates: May 16, 2023 June 20, 2023 July 18, 2023 August 15, 2023 September 19, 2023 The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website [www.deltafarmswcd.org](http://www.deltafarmswcd.org) or by contacting the District Manager at 772-345-5119 or by email at [bsakuma@sdsinc.org](mailto:bsakuma@sdsinc.org) and/or toll free at 1-877-737-4922 prior to the date of the particular meeting. The Meetings are open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meetings may be continued to a date, time and place to be specified on the record at the Meeting. From time to time a Supervisor may participate by telephone; therefore, a speaker telephone may be present at the meeting location so that Supervisor may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record. If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 772-345-5119 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting. Meetings may be cancelled from time to time without advertised notice. DELTA FARMS WATER CONTROL DISTRICT [www.deltafarmswcd.org](http://www.deltafarmswcd.org) Publish May 5,2023 TCN 5686653

**DELTA FARMS WATER CONTROL DISTRICT  
REGULAR BOARD MEETING MINUTES  
APRIL 18, 2023**

**A. CALL TO ORDER**

The April 18, 2023, Regular Board Meeting of the Delta Farms Water Control District (the “District”) was called to order at 8:18 a.m. at the Offices of Carter Associates located at 1708 21<sup>st</sup> Street, Vero Beach, Florida 32960.

**B. PROOF OF PUBLICATION**

Mr. Sakuma presented proof of publication that notice of the Regular Board Meeting was published in the *Indian River Press Journal* on December 9, 2022, as part of the District’s Fiscal Year 2022/2023 Meeting Schedule, as required by law.

**C. ESTABLISH QUORUM**

Mr. Sakuma stated that the attendance of Supervisors Tim Dooley and Rusty Banack constituted a quorum and it was in order for the meeting to proceed.

**D. ADDITIONS OR DELETIONS TO AGENDA**

Ms. Cynthia Colella asked for the Board to consider her permit application.

Mr. Sakuma asked for adjacent property owner Lex Kromhout’s correspondence to be discussed.

The agenda, as amended, was adopted without objection.

**E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public for items not on the agenda.

**F. APPROVAL OF MINUTES**

**1. February 21, 2023, Regular Board Meeting**

Mr. Dooley asked for an edit to the Engineer’s Report: to clarify the allocation will result in a “1 billion gallon allocation”. The February 21, 2023, Regular Board Meeting minutes were approved, as amended, on a **motion** made by Mr. Dooley, seconded by Mr. Banack. The **motion** passed unanimously.

**G. REPORTS**

**1. Treasurer**

Mr. Banack presented the financials provided in the Board package and went over his concerns of being advised by Marine Bank that the District accounts had been closed and he was not provided details on where those funds may have been transferred. Ms. Tori Shamy of Special District Services

(SDS) joined the meeting by phone. She explained that when SDS contacted Maine Bank they found no accounts with DFWCD's tax id number. The bank did find the Property Owner's Association account, which identified DFWCD as a sub account. The POA account was closed and then new accounts were opened for DFWCD. During the call, she emailed all bank/account statements to Mr. Banack. After further discussion, Mr. Sakuma was directed to send a narrative about the bank account closings and the new accounts to the Board. Mr. Banack also directed future financial reports to detail each account balance, not the roll-up balance in the current report. The Treasurer's Report was accepted on a **motion** made by Mr. Dooley, seconded by Mr. Banack. The **motion** passed unanimously.

Mr. Sakuma advised of information received from the Florida Municipal Investment Trust account after the Board had approved the FY 2021-2022 Final Amended Budget. He asked for Board consideration of an adjustment to reflect this updated information. An adjustment to the FY2021-2022 Final Amended Budget as presented was approved on a **motion** made by Mr. Dooley, seconded by Mr. Banack. The **motion** passed unanimously.

## **2. Engineer**

District Engineer, Mr. Spencer, referred the Board to his handout and went over the rain reports, reservoir and lateral U stage summary and water pumping reports. Mr. Spencer advised of further action related to the pending CUP renewal, which is in the final stages of approval. The Engineer's Report was accepted on a **motion** made by Mr. Dooley, seconded by Mr. Banack. The **motion** passed unanimously.

## **3. Attorney**

There was no Attorney Report at this time.

## **4. Secretary**

There was no Secretary Report at this time.

## **5. Chairman**

There was no Chairman Report at this time.

# **H. OLD BUSINESS**

There were no Old Business items to come before the Board.

# **I. NEW BUSINESS**

## **1. Consider Resolution No. 2023-01 – Adopting a Fiscal Year 2023/2024 Proposed Budget**

Mr. Sakuma presented Resolution No. 2023-01, entitled:

### **RESOLUTION NO. 2023-01**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DELTA FARMS WATER CONTROL DISTRICT APPROVING A PROPOSED**

## **BUDGET FOR FISCAL YEAR 2023/2024; AND PROVIDING AN EFFECTIVE DATE.**

The Board went over the proposed budget and determined \$98.00 to be an appropriate assessment per unit, with adjustments to maintenance expenditures for the increase. Additionally, the Administration/Engineering amount was increased to \$18,000, and a correction to the prior year assessment level narrative in the comparison sheet to \$94.00 per unit. There was a **motion** adopting Resolution No. 2023-02, as amended, setting the Public Hearing for August 15, 2023, made by Mr. Dooley, seconded by Mr. Banack. The **motion** passed unanimously.

### **2. Consider Bluebird North – Construction Permit Application 2023-01**

Mr. Spencer provided an update on submittals from the applicant in support of their application. A representative of the applicant joined by phone and answered questions from the Board. Mr. Banack asked for a legal opinion as to whether approval of the permit was compatible with adjacent land uses and in compliance with the District covenants. The Board expressed concern of “setting a precedent” with the permit. Further consideration was tabled until questions could be answered, and the District Engineer’s requests for additional information were satisfied.

### **3. Loan to the Property Owners’ Association**

Mr. Sakuma advised the Board a note for \$10,000 was executed by the POA to the District, as directed. After further discussion, it was determined that \$15,000 was going to be required. Mr. Sakuma was directed to coordinate with Mr. Henderson for the draft and execution of a \$15,000 note to the District by the Delta Farms Property Owners Association.

### **4. Update on SJRWMD Permit Renewal**

*Information about the SJRWMD Permit Renewal was provided during the Engineer’s Report.*

### **5. Discussion Regarding FPL & Well Permit Application**

Ms. Cynthia Colella asked the Board for consideration of her permit application. The Board and District Engineer staff discussed the placement of the FPL poles. Several possible locations were reviewed, and discussion of the adjacent property owned by Lex Kromhout ensued. Two actions were taken by the Board:

- The “well” element of the permit application was approved on a **motion** made by Mr. Dooley, seconded by Mr. Amestoy. The **motion** passed unanimously.
- The “FPL poles location” element of the permit application, subject to and conditioned upon approval of the District Engineer as to final placement of the poles as discussed by the Board, was approved on a **motion** made by Mr. Dooley, seconded by Mr. Amestoy. The **motion** passed unanimously.

### **6. Correspondence from Lex Kromhout**

Mr. Sakuma advised the Board that he had received an email from Mr. Kromhout indicating the access road to his property may be on District owned land. Mr. Kromhout indicated he wanted to clear up this issue and offered to accept a deed or easement from the District for the land on which his road is located. The Board determined they needed more information before making decisions related to Mr. Kromhout’s correspondence.

**J. ADMINISTRATIVE MATTERS**

Mr. Dooley suggested the Board consider changing its regular board meeting schedule to monthly in order to accommodate the increased activity taking place in the District. The District's regular board meeting schedule was changed to "monthly" on a **motion** made by Mr. Dooley, seconded by Mr. Amestoy. That **motion** carried unanimously. Mr. Sakuma was directed to have the new schedule published as required by law.

**K. BOARD MEMBER COMMENTS**

There were no further comments from the Board.

**L. ADJOURNMENT**

Mr. Sakuma advised that May 16, 2023, would be the next scheduled meeting. There being no further District business, the meeting was adjourned at 11:31 a.m. without objection.

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Secretary

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Chairman

Delta Farms  
Water Control District

**Financial Report For  
April 2023**



**DELTA FARMS WATER CONTROL DISTRICT**  
**MONTHLY FINANCIAL REPORT**  
**APRIL 2023**

	Annual Budget 10/1/22 - 9/30/23	Actual Apr-23	Year To Date Actual 10/1/22 - 4/30/23
<b>REVENUES</b>			
O & M ASSESSMENTS	210,650	54	211,779
OTHER REVENUES	0	0	400
INTEREST INCOME - MONEY MARKET	0	0	726
INTEREST INCOME - PRIME	0	0	116
NET FMIT INTEREST INCOME	0	0	8,789
<b>TOTAL REVENUES</b>	<b>\$ 210,650</b>	<b>\$ 54</b>	<b>\$ 221,810</b>
<b>EXPENDITURES</b>			
<b>MAINTENANCE EXPENDITURES</b>			
AQUATIC WEED CONTROL	20,000	4,695	20,646
CANAL MAINTENANCE	5,000	0	1,000
FUEL	60,000	0	25,527
REPAIRS	20,000	22,614	63,657
R/W MAINTENANCE	22,500	0	0
SUPPLIES	1,000	0	0
WATER QUALITY TESTING	1,250	0	0
<b>TOTAL MAINTENANCE EXPENDITURES</b>	<b>\$ 129,750</b>	<b>\$ 27,309</b>	<b>\$ 110,830</b>
<b>ADMINISTRATIVE EXPENDITURES</b>			
ADMINISTRATIVE	3,911	0	0
ENGINEERING	6,000	0	17,031
INSURANCE	12,000	963	13,819
LEGAL AND ACCTG.	6,600	0	210
LEGAL ADVERTISING	0	0	894
MANAGEMENT	22,000	2,000	14,000
MISCELLANEOUS	2,000	0	814
DUES & SUBSCRIPTIONS	0	0	175
OFFICE	250	34	467
RESERVES	15,500	0	0
BANK SERVICE CHARGES	0	0	64
LOSS ON FMIT FUNDS	0	0	0
<b>TOTAL ADMINISTRATIVE EXPENDITURES</b>	<b>\$ 68,261</b>	<b>\$ 2,997</b>	<b>\$ 47,474</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 198,011</b>	<b>\$ 30,306</b>	<b>\$ 158,304</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 12,639</b>	<b>\$ (30,252)</b>	<b>\$ 63,506</b>
DEBT PAYMENTS	0	0	0
<b>BALANCE</b>	<b>\$ 12,639</b>	<b>\$ (30,252)</b>	<b>\$ 63,506</b>
COUNTY APPRAISER & TAX COLLECTOR FEES	(4,213)	0	(3,300)
DISCOUNTS FOR EARLY PAYMENTS	(8,426)	0	(5,860)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (30,252)</b>	<b>\$ 54,346</b>
CARRYOVER FROM PRIOR YEAR	0	0	0
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (30,252)</b>	<b>\$ 54,346</b>

Bank Balance As Of 4/30/23	\$ 949,753.59	<b>Bank Account Balances</b>	
Accounts Payable As Of 4/30/23	\$ 30,681.51	FMIT HQ:	\$ 301,098.21
Accounts Receivable/Other Assets As Of 4/30/23	\$ 200.00	Marine Bank (Checking):	\$ 146,358.27
Other Current Assets As Of 4/30/23	\$ 750.00	Marine Bank (MMA):	\$ 495,444.15
Other Assets As Of 4/30/23	\$ 15,000.00	SBA:	\$ 6,852.96
Available Funds As Of 4/30/23	\$ 935,022.08	TOTAL:	\$ 949,753.59

**DELTA FARMS WATER CONTROL DISTRICT**  
**Expenditures**  
**October 2022 through April 2023**

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>Expenditures</b>					
<b>ADMINISTRATIVE EXPENSES</b>					
<b>BANK SERVICE CHARGES</b>					
	10/12/2022			Service Charge	14.00
	10/31/2022			Service Charge	10.00
	11/30/2022			Service Charge	10.00
	12/31/2022			Service Charge	10.00
	01/31/2023			Service Charge	10.00
	01/31/2023			Service Charge	10.00
Total BANK SERVICE CHARGES					<u>64.00</u>
<b>dues, subscriptions</b>					
	10/03/2022	85920	Florida Department of Economic Opportunit	Special district fee 2022/2023	175.00
Total dues, subscriptions					<u>175.00</u>
<b>ENGINEERING</b>					
	10/31/2022	8840-340	CARTER ASSOCIATES, INC.	engineering thru 10/31/2022	3,375.00
	11/30/2022	8840-341	CARTER ASSOCIATES, INC.	engineering thru 11/30/2022	1,050.00
	12/31/2022	8840-342	CARTER ASSOCIATES, INC.	engineering thru 12/31/2022	5,245.00
	01/31/2023	8840-343	CARTER ASSOCIATES, INC.	engineering thru 01/31/23	3,362.50
	02/28/2023	8840-344	CARTER ASSOCIATES, INC.	engineering thru 02/28/2023	3,623.48
	03/31/2023	8840-345	CARTER ASSOCIATES, INC.	engineering thru 03/31/2023	375.00
Total ENGINEERING					<u>17,030.98</u>
<b>INSURANCE</b>					
	10/01/2022	17197	Egis Insurance & Risk Advisors	policy # 1001122947 10/1/22 - 10/1/23	12,856.00
	04/20/2023	18152	Egis Insurance Advisors	policy # 11355723 (06/01/2023 - 06/01/2024	963.36
Total INSURANCE					<u>13,819.36</u>
<b>LEGAL &amp; ACCOUNTING</b>					
	12/31/2022	217028	Collins Brown Barkett Chartered	legal matters thru 12/31/2022	210.00
Total LEGAL & ACCOUNTING					<u>210.00</u>
<b>Legal Advertisement</b>					
	11/29/2022	0005126224	Treasure Coast Newspapers	Notice of Annual LO Mtg & Reg Board Mtg	314.64
	11/30/2022	0005126227	Treasure Coast Newspapers	Notice of Reg Board Mtg	121.41
	11/30/2022	0005126227	Treasure Coast Newspapers	RFP for Annual Audit Services	138.51
	12/31/2022	0005209688	Treasure Coast Newspapers	FY 22/23 Mtg Schedule	193.23
	01/01/2023	0005311121	Treasure Coast Newspapers	Notice of Reg Board Mtg	126.54
Total Legal Advertisement					<u>894.33</u>
<b>MANAGEMENT FEES</b>					
	10/31/2022	2022-1697	Special District Services	management fee October 2022	2,000.00

**DELTA FARMS WATER CONTROL DISTRICT**  
**Expenditures**  
**October 2022 through April 2023**

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
	11/30/2022	2022-1801	Special District Services	management fee November 2022	2,000.00
	12/31/2022	2022-2011	Special District Services	management fee December 2022	2,000.00
	01/31/2023	2023-0098	Special District Services	management fee January 2023	2,000.00
	02/28/2023	2023-0206	Special District Services	management fee February 2023	2,000.00
	03/31/2023	2023-0316	Special District Services	management fee March 2023	2,000.00
	04/30/2023	2023-0422	Special District Services	management fee April 2023	2,000.00
Total MANAGEMENT FEES					<u>14,000.00</u>
<b>MISCELLANEOUS</b>					
	10/01/2022	318	FLORIDA ASSOCIATION OF SPECIAL DISTRICTS	membership 10/22 - 9/23	750.00
	11/30/2022	2022-1801	Special District Services	Travel October 2022	20.00
	01/31/2023	2023-0098	Special District Services	Travel - December 2022	20.00
	03/31/2023	2023-0316	Special District Services	travel - February 2023	24.24
Total MISCELLANEOUS					<u>814.24</u>
<b>OFFICE</b>					
	10/31/2022	2022-1697	Special District Services	copier charges September 2022	13.80
	10/31/2022	2022-1697	Special District Services	Postage September 2022	23.01
	11/30/2022	2022-1801	Special District Services	copier charges October 2022	29.10
	11/30/2022	2022-1801	Special District Services	FedEx October 2022	57.05
	11/30/2022	2022-1801	Special District Services	meeting books October 2022	28.00
	12/31/2022	2022-2011	Special District Services	copier charges November 2022	14.55
	01/31/2023	2023-0098	Special District Services	copier charges December 2022	89.70
	01/31/2023	2023-0098	Special District Services	postage - December 2022	35.21
	01/31/2023	2023-0098	Special District Services	meeting books - December 2022	48.00
	02/28/2023	2023-0206	Special District Services	copier charges January 2023	0.75
	03/31/2023	2023-0316	Special District Services	copier charges February 2023	42.30
	03/31/2023	2023-0316	Special District Services	postage February 2023	27.08
	03/31/2023	2023-0316	Special District Services	meeting books February 2023	24.00
	04/30/2023	2023-0422	Special District Services	postage March 2023	1.20
	04/30/2023	2023-0422	Special District Services	FedEx March 2023	32.95
Total OFFICE					<u>466.70</u>
Total ADMINISTRATIVE EXPENSES					<u>47,474.61</u>
<b>OPERATING EXPENSES</b>					
<b>AQUATIC WEED CONTROL</b>					
	10/19/2022	75431	Future Horizons Inc	treated 19 acres of emergent & floating aquatics	3,990.00
	01/26/2023	76729	Future Horizons Inc	treated 19 acres of emergent & floating aquatics	4,011.00
	01/31/2023	76871	Future Horizons Inc	treated 53 acres of floating aquatics	7,950.00
	04/12/2023	77959	Future Horizons Inc	aquatic weed control	4,695.00

**DELTA FARMS WATER CONTROL DISTRICT**  
**Expenditures**  
**October 2022 through April 2023**

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
Total AQUATIC WEED CONTROL					20,646.00
<b>CANAL MAINTENANCE</b>					
	12/07/2022	793328	St Johns River Water Management District	application # 2262-8	1,000.00
Total CANAL MAINTENANCE					1,000.00
<b>FUEL</b>					
	11/08/2022	1867456	Palmdale Oil Company, Inc.	fuel	3,757.95
	11/09/2022	1865402	Palmdale Oil Company, Inc.	fuel	8,454.81
	02/02/2023	1915598	Palmdale Oil Company, Inc.	fuel	4,095.21
	02/02/2023	1915603	Palmdale Oil Company, Inc.	fuel	4,093.97
	02/02/2023	1915534	Palmdale Oil Company, Inc.	fuel	5,124.75
Total FUEL					25,526.69
<b>REPAIRS</b>					
	10/11/2022	0063813	Sports Welding	Station C pample replaced clutch	760.00
	10/13/2022	272475	BLUE GOOSE GROWERS	install, maintain, operate portable pump station C	14,932.90
	11/18/2022	0063823	Sports Welding	Station A pample replaced fuel selinoid	760.00
	11/21/2022	9529	R&S METALWORKS	repair pump - remove, repair, and re-install	24,590.00
	04/30/2023	9661	R&S METALWORKS	repair pump - remove, repair, and re-install	22,614.00
Total REPAIRS					63,656.90
Total OPERATING EXPENSES					110,829.59
<b>Total Expenditures</b>					<b>158,304.20</b>

**DELTA FARMS WATER CONTROL DISTRICT  
TAX COLLECTIONS  
2022-2023**

#	ID#	PAYMENT FROM	DATE	FOR	Tax Collect Receipts	Interest Received	Commissions Paid	Discount	Net From Tax Collector	O&M Assessment Income (Before Discounts & Fees)	Debt Assessment Income (Before Discounts & Fees)	O&M Assessment Income (After Discounts & Fees)	Debt Assessment Income (After Discounts & Fees)
				GROSS *					\$210,650	\$210,650	\$0	\$210,650	\$0
				NET **					\$198,011	\$198,011	\$0	\$198,011	\$0
1	1	Indian River County Tax Collector	11/04/22	NAV Taxes	\$ 10,058.00		\$ (193.11)	\$ (402.32)	\$ 9,462.57	\$ 10,058.00		\$ 9,462.57	
2		Indian River County Prop Appraiser	11/07/22	Fees			\$ (1,800.00)		\$ (1,800.00)			\$ (1,800.00)	
3	2	Indian River County Tax Collector	12/16/22	NAV Taxes	\$ 54,614.00		\$ (1,048.59)	\$ (2,184.56)	\$ 51,380.85	\$ 54,614.00		\$ 51,380.85	
4	3	Indian River County Tax Collector	12/22/22	NAV Taxes	\$ 86,386.00		\$ (258.30)	\$ (2,591.58)	\$ 83,536.12	\$ 86,386.00		\$ 83,536.12	
5	Int - 1	Indian River County Tax Collector	01/27/23	Interest		\$ 36.94			\$ 36.94	\$ 36.94		\$ 36.94	
6	4	Indian River County Tax Collector	02/10/23	NAV Taxes	\$ 7,520.00			\$ (150.40)	\$ 7,369.60	\$ 7,520.00		\$ 7,369.60	
7	5	Indian River County Tax Collector	03/24/23	NAV Taxes	\$ 53,110.00			\$ (531.10)	\$ 52,578.90	\$ 53,110.00		\$ 52,578.90	
8	Int - 2	Indian River County Tax Collector	04/28/23	Interest		\$ 54.34			\$ 54.34	\$ 54.34		\$ 54.34	
9									\$ -				
10									\$ -				
11									\$ -				
12	EF	Indian River County Tax Collector		Excess Fees					\$ -				
13									\$ -				
14									\$ -				
15									\$ -				
16								\$ -	\$ -				
					\$ 211,688.00	\$ 91.28	\$ (3,300.00)	\$ (5,859.96)	\$ 202,619.32	\$ 211,779.28	\$ -	\$ 202,619.32	\$ -

Note: \$210,650 is 2022/2023 Budgeted assessments before discounts and fees.  
\$198,011 is 2022/2023 Budgeted assessments after discounts and fees.

\$ 211,688.00	
\$ 91.28	\$ 202,619.32
\$ (211,779.28)	\$ (202,619.32)
\$ -	\$ -
\$ -	\$ -
\$ -	\$ 0.00



# St. Johns River Water Management District

Michael A. Register, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • [www.sjrwmd.com](http://www.sjrwmd.com)

May 3, 2023

Mr. B. Sakuma  
Delta Farms Water Control District c/o Special District Services, Inc.  
2501 Burns Rd Ste A  
Palm Bch Gdns, FL 33410-5207

SUBJECT: Delta Farms Water Control District, Consumptive Use Permit Number 2262-8  
Indian River County, Florida

Dear Mr. Sakuma:

Enclosed is the permit authorized by the District on May 3, 2023. The enclosed permit is a legal document and should be kept with other important records. Please read the permit and conditions carefully because the referenced conditions may require submittal of additional information. Where possible, please submit all information required to comply with permit conditions electronically at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting) via the District's e-Permitting portal.

Please be advised that the District will not publish a notice in the newspaper advising the public that the permit has been issued. Enclosed is information on publishing notice of the permit. If a newspaper notice is not published to close the point of entry, the time to challenge the issuance of the permit will not expire. A potential petitioner has 26 days from the date on which the actual notice is deposited in the mail, or 21 days from publication of this notice when actual notice is not provided, within which to file a petition for an administrative hearing pursuant to Sections 120.569 and 120.57, *Florida Statutes*. Receipt of such a petition by the District may result in this permit becoming null and void. Also, enclosed is a copy of the Notice of Rights.

If you have any questions concerning the permit, please contact Patricia Renish in the Palm Bay Service Center at (321) 984-4939 or Kelly Vermillion in the Palm Bay Service Center at (321) 473-1351

Sincerely,

Richard Burklew, Bureau Chief  
Water Use Regulation

CC: Agent: Tyler N Spencer – *Sent via email:* [TylerS@carterassoc.com](mailto:TylerS@carterassoc.com)  
Carter Associates, Inc.

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**GOVERNING BOARD**

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**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO:** 2262-8

**DATE ISSUED:** May 3, 2023

**PROJECT NAME:** Delta Farms Water Control District

**A PERMIT AUTHORIZING:**

The District authorizes, as limited by the attached permit conditions, the use of 671.77 million gallons a year (mgy) (1.84 million gallons a day (mgd), annual average) of surface water from the onsite Delta Farms Water Control District reservoir and canals for irrigation through 2043.

**LOCATION:**

Site: Delta Farms Water Control District  
Indian River County

SECTION(S):	TOWNSHIP(S):	RANGE(S):
0	30S	36E
2, 3, 4	33S	37E

**ISSUED TO:**

Delta Farms Water Control District c/o Special District Services, Inc.  
2501 Burns Rd Ste A  
Palm Bch Gdns, FL 33410-5207

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal, rule, or ordinance.

This permit may be revoked, modified, or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes and 40C-1, Florida Administrative Code.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated May 3, 2023

**AUTHORIZED BY:** St. Johns River Water Management District  
Division of Water Supply Planning and Assessment

By: 

Richard Burklew  
Bureau Chief

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 2262-8**  
**Delta Farms Water Control District**  
**DATE ISSUED: May 03, 2023**

1. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
3. Prior to the construction, modification or abandonment of a well, the permittee must obtain a water well permit from the St. Johns River Water Management District or the appropriate local government pursuant to Chapter 40C-3, F.A.C. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification, or abandonment is other than that specified and described on the consumptive use permit application form.
4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.
5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application. If interference occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the interference, unless the interference associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
6. The permittee's consumptive use of water as authorized by this permit shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of permit application. If significant adverse hydrologic impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.
7. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and/or related facilities from which the permitted consumptive use is made. Where permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40C-1.612, F.A.C. Alternatively, the permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule 40C-2.401, F.A.C. The permittee shall notify the District in the event that a replacement tag is needed.



9. The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.
10. The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level established by the District or the Department of Environmental Protection pursuant to Section 373.042 and 373.0421, F.S. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.
11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.
13. All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
14. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
15. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that Section 373.239, F.S., and Rule 40C-2.331, F.A.C., are applicable to permit modifications.
16. This permit will expire on May 3, 2043.
17. All submittals made to demonstrate compliance with this permit must include the CUP number 2262-8 plainly labeled on the submittal.
18. The maximum annual surface water withdrawals from the reservoir and canals within Delta Farms Water Control District (DFWCD) for agricultural irrigation and watering a conservation area must not exceed 671.77 million gallons (1.84 million gallons per day average). Additional surface water may be used when it is available and does not cause harm.
19. The maximum annual backup withdrawals of surface water from the DFWCD, at C-52 (discharged from the FDMCA via S252-D), the Blue Cypress Water Management Area - East (BCWMA-E), and groundwater from the Upper Floridan aquifer for agricultural irrigation is 348.06 million gallons (0.95 million gallons per day average). Withdrawals from

FDMCA, BCWMA-E, or groundwater may not begin until the DFWCD reservoir level is below 24.0 ft. NGVD.

20. Maximum daily surface water withdrawals from the DFWCD on-site reservoir and from the Blue Cypress Water Management Area - east (BCWMA-east) for crop protection (frost/freeze protection) in any 24-hour period must not exceed 82.84 million gallons. All available surface water from the DFWCD on-site reservoir (above elevation 24 ft. NGVD) must be used prior to withdrawal of water from BCWMA-east. Supplemental withdrawals from BCWMA-east may only occur during or immediately prior to a freeze event, not to exceed the maximum annual allocation for freeze protection, contingent upon all of the following conditions occurring:
  - a. The water level in the BCWMA-east, as measured by the District, must be above 23.5 ft. NGVD when withdrawal occurs and must cease if the level falls to 23.5 NGVD (per the C.O.E. Biological Opinion for the Water Management Plan for the Blue Cypress Water Management Area, USJRB Project);
  - b. Withdrawal during any freeze event must cease immediately upon notification from the District that BCWMA-east water levels measured by the District in the BCWMA-east marsh in the general vicinity of withdrawal have dropped 4" during the period of withdrawal;
  - c. No withdrawals from BCWMA-E may occur during the snail kit nesting period (February 15 through July 1).
  - d. A volume of water equal to the withdrawal for the freeze season must be returned to BCWMA-east within 7 days of withdrawal; and
  - e. Water quality of water returned after withdrawal must comply with applicable water quality criteria specified in the District's Environmental Resource (ERP) Permit # 18564.
21. When water has been used for crop protection, the permittee shall complete the District Form Number 40C-2.900(10) (Crop Protection Report Form) for each month in which a crop protection event occurred, providing withdrawals per day by well/pump/station. The permittee must keep the completed form(s) for two years after the freeze protection event and make them available for inspection by District staff upon request.
22. The maximum daily withdrawals from C-52 must not exceed 9.0 million gallons during periods when the discharge rate is 23.5 mgd or greater. In the event the daily discharge from FDMCA is less than 23.5 million gallons, the rate of withdrawal by DFWCD must not exceed 38 percent of the total discharge from Structure S252-D.
23. All irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C.
24. In accordance with the 'F.D.M.C.A. Irrigation Water Withdrawal Implementation Plan' submitted on September 16, 2009, prior to beginning any withdrawal of water at C-52 that is discharged from FDMCA, the permittee shall:
  - (a) submit a written request to the District to withdraw water from the C-52 and provide the District with detailed information related to the proposed activities on District property necessary to accomplish the withdrawal; and
  - (b) obtain written authorization from the District for the withdrawal and activities on District property. Any proposed modification by DFWCD of the plan must be approved by the District prior to modification.
25. Withdrawal of water from C-52 may occur provided the following conditions are being met:

- (a) DFWCD reservoir water level is below elevation 24.0 ft NGVD;
- (b) Water is being released from FDMCA Structure S252-D; and
- (c) All operations are in accordance with written authorization issued by the District and the 'F.D.M.C.A. Irrigation Water Withdrawal Implementation Plan' submitted on September 16, 2009.

26. Withdrawal of water from the BCWMA-E may occur provided the following conditions are being met:

- a. DFWCD reservoir water level is below elevation 24.0 ft NGVD;
- b. The BCWMA is (1) operating in Zone A (as identified by the U.S.J.R.B.P. System Operating Manual) and discharges are being made downstream; or (2) the BCWMA is being drained to conduct a drawdown event for environmental reasons;
- c. DFWCD has requested access to any available water, and provided details how water will be conveyed from BCWMA-E to DFWCD; and
- d. DFWCD has obtained District written authorization approving the request and any activities on District property necessary to accomplish the withdrawal.

27. Total water pumped into the reservoir from pump stations PSA1, PSA2, PSB1, PSB2, PSC1, and PSC2 (Station IDs 1756, 1757, 1758, 1759, 1760, & 1761), surface water quantities withdrawn from the reservoir by Pump 2 and Return Pipes PSA, PSB, and PSC (Station IDs # 483622, 243067, 243068, & 243069), and groundwater withdrawn from wells 1 (Station ID 8316), 2 (Station ID 8317), 3 (Station ID 8318), 4 (Station ID 8319), 5 (Station ID 8320), 6 (Station ID 8321), 7 (Station ID 8322), 8 (Station ID 8323), 9 (Station ID 8324), 10 (Station ID 8325), 11 (Station ID 8326), 12 (Station ID 8327), 13 (Station ID 8328), 14 (Station ID 8329), 15 (Station ID 8330), 16 (Station ID 8331), and 17 (Station ID 8332), surface water obtained from FDMCA pumped from the C-52 Canal to the S.R. 60 Ditch (Station ID 35061), and surface water conveyed from the Lateral 'U' Canal into DFWCD (Station ID 244460), and surface water withdrawn from the BCWMA-E for irrigation (Station ID 244461), as listed on the application, must be recorded continuously, totaled monthly, and reported to the District at least every six months for the duration of this using District Form No. EN-50. The reporting dates each year will be as follows:

<b>Reporting Period</b>	<b>Report Due Date</b>
January – June	July 31
July - December	January 31

28. The permittee must maintain the installed staff gauge referenced to NGVD, in the DFWCD reservoir near the center overflow discharge structure. Water levels must be recorded a minimum of 3 non-consecutive days per week or as an alternative once a week and daily during pump operation. Reports of water levels and the cumulative monthly volume discharged off-site from the three structures (Station IDs 244301, 244302, & 244303) must be submitted semi-annually to the District using forms approved by the District. The reporting dates each year will be as follows:

<b>Reporting Period</b>	<b>Report Due Date</b>
January 1 - June 30	July 31
July 1 - December 31	January 31

29. The permittee must measure the daily volume of surface water withdrawn from the BCWMA-E for freeze protection (Station ID 244462) and the volume returned to BCWMA-E (Station ID 244677). The permittee must report the daily volumes and total volumes to the District within two weeks of the end of the freeze event and semi-annually to the District using forms approved by the District. The reporting dates each year will be as follows:

**Reporting Period**

January 1 - June 30

July 1 - December 31

**Report Due Date**

July 31

January 31

30. Wells 6 (Station ID 8321), 7 (Station ID 8322), 8 (Station ID 8323), 9 (Station ID 8324), 10 (Station ID 8325), 11 (Station ID 8326), 12 (Station ID 8327), 13 (Station ID 8328), 14 (Station ID 8329), 15 (Station ID 8330), 16 (Station ID 8331), and 17 (Station ID 8332) and pump stations PSA1, PSA2, PSB1, PSB2, PSC1, and PSC2 (Station IDs 1756, 1757, 1758, 1759, 1760, & 1761), Pump 2 and Return Pipes PSA, PSB, and PSC (Station IDs # 483622, 243067, 243068, & 243069) and groundwater withdrawn from wells 1 (Station ID 8316), 2 (Station ID 8317), 3 (Station ID 8318), 4 (Station ID 8319), 5 (Station ID 8320), 6 (Station ID 8321), 7 (Station ID 8322), 8 (Station ID 8323), 9 (Station ID 8324), 10 (Station ID 8325), 11 (Station ID 8326), 12 (Station ID 8327), 13 (Station ID 8328), 14 (Station ID 8329), 15 (Station ID 8330), 16 (Station ID 8331), and 17 (Station ID 8332) must be equipped with totalizing flow meters. All flow meters must measure within +/- 5% of actual flow, be verifiable and be installed according to the manufacturer's specifications.
31. The permittee must maintain all flow meters and alternative methods for measuring flow. In case of failure or breakdown of any meter, the District must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.
32. The permittee must have all flow meters checked for accuracy at least once every 10 years, specifically before May 3, 2033, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. Flow Meter Accuracy Report Form (EN-51) must be submitted to the District within 10 days of the inspection/calibration.
33. The permittee shall conduct an aquifer performance test (APT) upon completion of construction at one or more of proposed wells 6-17 (Station IDs 8321, 8322, 8323, 8324, 8325, 8326, 8327, 8328, 8329, 8330, 8331, and 8332, respectively). The APT test plan should follow the Guidelines for Developing and Conducting an Aquifer Performance Testing Program (Appendix D of the Applicant's Handbook) and include at least one observation well. The plan should be submitted to the District for review and approval at least six months prior to the start of testing. If APT test results indicate a significant difference from modeled parameters, the permittee may be required to assess impacts utilizing the new data.
34. Prior to the construction of the proposed wells, a location map and a plan for the installation, development, and testing of these wells must be approved by the District. Results of tests completed as part of the construction must be submitted within 90 days of completion of the wells.
35. The permittee shall either harvest or otherwise control any invasive, non-indigenous aquatic plants within its property so as to minimize their discharge to off-site, receiving water bodies. The permittee must submit a written proposal that details a program to control the discharge of these aquatic weeds within 60 days of permit issuance.
36. The lowest quality water source, such as reclaimed water and surface/stormwater, must be used to supply the needs of this project when deemed feasible pursuant to District rules and applicable state law.
37. The permittee shall submit, to the District, a compliance report pursuant to subsection 373.236(4), F.S., by May 3, 2033. The report shall contain sufficient information to demonstrate that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the District rules that existed at the time the permit was issued for 20 years by the District. At a minimum,

the compliance report must include:

- (a) Verification that the permittee is using all available lowest quality sources of water to supply the needs of this project;
- (b) Demonstration that the allocation is needed for efficient water use; and
- (c) Demonstration that there is a present and projected demand for the source of water.

## Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com), within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

## Notice of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [www.sjrwmf.com](http://www.sjrwmf.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOR.Decision.DOC.001  
Revised 12.7.11

**Notice of Rights**

**Certificate of Service**

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Delta Farms Water Control District c/o Special District Services, Inc.  
2501 Burns Rd Ste A  
Palm Bch Gdns, FL 33410-5207

This 3rd day of May 2023.



Richard Burklew, Bureau Chief

Permit Number: 2262-8



## NOTICING INFORMATION

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com) (preferred method) or send a copy of the original affidavit to:

Office of Records and Regulatory Support  
4049 Reid Street  
Palatka, FL 32177

If you have any questions, please contact the Office of Records and Regulatory Support at (386) 329-4570.

NOTICE OF AGENCY ACTION TAKEN BY THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that on \_\_\_\_\_ the District issued Permit No. \_\_\_\_\_ for a Consumptive Use Permit to serve (type of project) \_\_\_\_\_ activities. The total allocation authorized is \_\_\_\_\_ mgd of (groundwater/surface water). The project is located in \_\_\_\_\_ County, Section(s) \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East. The permit applicant is \_\_\_\_\_.

If you wish to receive a copy of a Technical Staff Report (TSR) that provides the St. Johns River Water Management District (District) staffs' analysis on the above-listed compliance report(s) and associated permit(s), please submit your request to Office Director, Office of Records and Regulatory Support, PO Box 1429, Palatka, FL 32178-1429. You may view the TSR by going to the Permitting section of the District's website at [www.sjrwmd.com/permitting/index.html](http://www.sjrwmd.com/permitting/index.html). To obtain information on how to find and view a TSR, visit [https://permitting.sjrwmd.com/epermitting/html/EP\\_FAQs.html](https://permitting.sjrwmd.com/epermitting/html/EP_FAQs.html), and then follow the directions provided under "How to find a Technical Staff Report (TSR) or other application file documents."

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com), within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the next regular District business day. A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at [www.sjrwmd.com](http://www.sjrwmd.com). The District will not accept a petition sent by facsimile (fax). Mediation may be available if you meet the conditions stated in the full Notice of Rights (see last paragraph).

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit [http://www.sjrwmd.com/nor\\_dec/](http://www.sjrwmd.com/nor_dec/) to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the Consumptive Use Permit Application(s) described above. You can also request the Notice of Rights by contacting the Office Director, Office of Records and Regulatory Support, P. O. Box 1429, Palatka, FL 32178, phone (386)329-4570.

## **NEWSPAPER ADVERTISING**

### **ALACHUA**

The Alachua County Record, Legal Advertising  
P. O. Box 806  
Gainesville, FL 32602  
352-377-2444/ fax 352-338-1986

### **BRADFORD**

Bradford County Telegraph, Legal Advertising  
P. O. Drawer A  
Starke, FL 32901  
904-964-6305/ fax 904-964-8628

### **CLAY**

Clay Today, Legal Advertising  
1560 Kinsley Ave., Suite 1  
Orange Park, FL 32073  
904-264-3200/ fax 904-264-3285

### **FLAGLER**

Flagler Tribune, c/o News Journal  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
386-681-2322

### **LAKE**

Daily Commercial, Legal Advertising  
P. O. Drawer 490007  
Leesburg, FL 34749  
352-365-8235/fax 352-365-1951

### **NASSAU**

News-Leader, Legal Advertising  
P. O. Box 766  
Fernandina Beach, FL 32035  
904-261-3696/fax 904-261-3698

### **ORANGE**

Sentinel Communications, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **PUTNAM**

Palatka Daily News, Legal Advertising  
P. O. Box 777  
Palatka, FL 32178  
386-312-5200/ fax 386-312-5209

### **SEMINOLE**

Seminole Herald, Legal Advertising  
300 North French Avenue  
Sanford, FL 32771  
407-323-9408

### **BAKER**

Baker County Press, Legal Advertising  
P. O. Box 598  
MacLenny, FL 32063  
904-259-2400/ fax 904-259-6502

### **BREVARD**

Florida Today, Legal Advertising  
P. O. Box 419000  
Melbourne, FL 32941-9000  
321-242-3832/ fax 321-242-6618

### **DUVAL**

Daily Record, Legal Advertising  
P. O. Box 1769  
Jacksonville, FL 32201  
904-356-2466 / fax 904-353-2628

### **INDIAN RIVER**

Treasure Coast News, Legal Advertising  
760 NW Enterprise Dr.  
Port St. Lucie, FL 34986  
772-283-5252

### **MARION**

Ocala Star Banner, Legal Advertising  
2121 SW 19th Avenue Road  
Ocala, FL 34474  
352-867-4010/fax 352-867-4126

### **OKEECHOBEE**

Okeechobee News, Legal Advertising  
P. O. Box 639  
Okeechobee, FL 34973-0639  
863-763-3134/fax 863-763-5901

### **OSCEOLA**

Little Sentinel, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **ST. JOHNS**

St. Augustine Record, Legal Advertising  
P. O. Box 1630  
St. Augustine, FL 32085  
904-819-3439

### **VOLUSIA**

News Journal Corporation, Legal Advertising  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
(386) 681-2322

**RESOLUTION 2023-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DELTA FARMS WATER CONTROL DISTRICT RE-DESIGNATING A REGISTERED AGENT AND REGISTERED OFFICE OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Delta Farms Water Control District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 298, *Florida Statutes*, being situated entirely within Indian River County, Florida; and

**WHEREAS**, the District is statutorily required to designate a registered agent and a registered office location for the purposes of accepting any process, notice, or demand required or permitted by law to be served upon the District in accordance with Section 189.014(1), *Florida Statutes*.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE DELTA FARMS WATER CONTROL DISTRICT:**

**SECTION 1.** Steven L. Henderson is hereby designated as the Registered Agent for the Delta Farms Water Control District.

**SECTION 2.** The District’s Registered Office shall be located at the office of Collins Brown Barkett, Chartered, 756 Beachland Boulevard, Vero Beach, Florida 32963, Phone (772) 231-4343, Fax (772) 231-9612, email shenderson@verolaw.com.

**SECTION 3.** In accordance with Section 189.014, *Florida Statutes*, the District’s Secretary is hereby directed to file certified copies of this Resolution with Indian River County, and the Florida Department of Economic Opportunity.

**SECTION 4.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of May, 2023.

ATTEST:

**DELTA FARMS WATER  
CONTROL DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
President, Board of Supervisors